

**Notice of Allowability**

Application No.

09/092,546

Examiner

Matthew F. DeSanto

Applicant(s)

KINDLER ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/05/06.
2. ☒ The allowed claim(s) is/are 37-47 and 51.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 1/8/07
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Wendy Peterson on January 8, 2007.

The application has been amended as follows:

Please amended claim 37:

37. A device for administering in doses, in particular infusing, a medicinal liquid, comprising:

a) a casing housing comprising a housing connecting section comprising a proximal end and a distal end, and a container from which the medicinal liquid is displaced through an outlet in doses, to be administered, wherein the housing connecting section connects the outlet to a catheter, the catheter having a front end that is or can be connected to an administering needle, wherein the rear end of the catheter is attached to the front proximal end of the housing connecting section, the rear distal end of the housing connecting section is screwed in or on or fixed with a snap-in lock to an outlet section which extends the outlet, and wherein the proximal end of the housing connecting section and the distal end of the housing connecting section are connected by a thread or a snap-fit connection;

~~b) a container accommodated by said casing housing and from which said medicinal liquid is displaced through an outlet in doses, in order to be administered;~~

~~c) a connector casing which connects said outlet to a catheter, the catheter having an end that is or can be connected to an administering needle; and~~

b)-d) a valve carried by positioned in the connector casing housing connecting section and arranged in a flow cross-section of the medicinal liquid, and which in order to prevent self-emptying only allows a through-flow towards the end of said catheter when the liquid pressure acting in this direction is greater than a pressure bearing on said valve as a result of the inherent weight of a liquid column in the device, wherein

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~~c)-e)~~ the medicinal liquid is displaced through the outlet by advancing a stopper;  
and

~~d)-f)~~ the ~~connector casing~~ housing connecting section is detachably connected to the outlet and carries a connecting needle such that said connecting needle pierces a membrane sealing the outlet when the ~~connector casing~~ housing connecting section is connected.

### **Reasons for Allowance**

2. The following is an examiner's statement of reasons for allowance:

The subject matter of the independent claim could either not be found or was not suggested in the prior art of record. The subject matter not found was a device for administering fluid having a housing, a container holding fluid that is dispensed by a stopper and wherein an outlet of the container has a membrane sealing it, as well as a housing connecting section having a proximal and distal end, wherein the housing connecting section carries a valve and the distal end of the housing connecting section has a needle that pierces the membrane of the outlet. The proximal and distal housing connecting sections are connected by thread or snap-fit connection. The valve also has a specific opening pressure that is in a relationship with the fluid which is due to the liquid pressure acting in this direction is greater than a pressure bearing on said valve as a result of the inherent weight of a liquid column in the device.

The independent claim also includes other patentable subject matter in combination with the other elements or steps of the claim not mention in the above paragraph.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew F. DeSanto whose telephone number is 571-272-4957. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick LUCCHESI can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Matthew DeSanto  
Art Unit 3763  
January 8, 2007



NICHOLAS D. LUCCHESI  
SUPERVISOR OF THE EXAMINER  
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